

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

LEVONZEL ANDERSON

PLAINTIFF

V.

CIVIL ACTION NO. 3:23-CV-403-DPJ-FKB

PSYCH DOCTOR ROGER ANASTASIO,
individual and official capacity, et al.

DEFENDANTS

ORDER

Levonzel Anderson, an inmate at the Central Mississippi Correctional Facility, sued in June 2023 alleging he was sexually assaulted at a previous correctional facility. Comp. [1]. He then filed several motions for leave to proceed in forma pauperis (IFP). Mots. [2, 5, 7, 9].

The Court referred those motions to United States Magistrate Judge F. Keith Ball, who recommends denying the motions and dismissing the case without prejudice. R&R [17] at 4. Essentially, Anderson is barred by statute from proceeding IFP because he has had three prior actions dismissed as frivolous and because he has failed to meet the statutory exception for imminent danger. *Id.* at 1, 3 (citing “three strikes” provision of 28 U.S.C. § 1915(g)).

Judge Ball’s Report and Recommendation issued on December 11, 2023, from which Anderson had fourteen days to object. Fed. R. Civ. P. 72(b)(2); *see* R&R [17] at 4 (advising Plaintiff of deadline). Anderson did not object within that period. Given his incarcerated status and the intervening holidays, the Court, in an abundance of caution, did not immediately address the R&R once the deadline had passed, but still no objection has appeared.

“When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) advisory committee’s note (1983), *quoted in Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc), *superseded on other grounds by* 28 U.S.C. § 636(b)(1) as

noted in Alexander v. Verizon Wireless Servs., L.L.C., 875 F.3d 243, 248 (5th Cir. 2017).

Having reviewed the record and found no clear error, the Court accepts the well-reasoned recommendation of Judge Ball.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of United States Magistrate Judge F. Keith Ball [17] is adopted as the finding and holding of this Court.

Anderson's IFP motions [2, 5, 7, 9] are denied, and his suit is dismissed. In accordance with Judge Ball's recommendation, the Court gives Anderson 30 days from the date of this Order to pay the full filing fee of \$402.00 to the Clerk of this Court; if Anderson does so, the Clerk is directed to reopen this case.

A separate judgment will be entered as required by Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED AND ADJUDGED this the 4th day of January, 2024.

s/ Daniel P. Jordan III
CHIEF UNITED STATES DISTRICT JUDGE